APPENDIX

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

No. 72-117 Cr. JLK
21 U.S.C. 963
M/S 5 Yrs.—$15,000
21 U.S.C. 952(a)
M/S 5 Yrs.—$15,000
21 U.S.C. 841(a)(1)
M/S 5 Yrs.—$15,000
18 U.S.C. 2

UNITED STATES OF AMERICA
VS.

STEPHEN THOMAS MC CARTHY
KEITH MEIGGS
DENNIS EVANS INGHAM

INDICTMENT

The Grand Jury charges that:

COUNT I.

Beginning on or about December 13, 1971 and continuing until on or about February 6, 1972 at Golden Beach,

Dade County, in the Southern District of Florida, the defendants

STEPHEN THOMAS MC CARTHY
KEITH MEIGGS
and
DENNIS EVANS INGHAM

did conspire, combine, confederate and have a tacit understanding with each other and with divers other persons whose names are at the present time to the Grand Jury unknown, to knowingly and intentionally import into the United States from a place outside the United States approximately 4,000 pounds of marijuana, a Schedule I controlled substance in violation of Title 21, United States Code, Section 952(a) and Title 18, United States Code, Section 2.

The plan and purpose of the conspiracy was as follows:

It was part of said conspiracy that Stephen Thomas McCarthy, Keith Meiggs and Dennis Evans Ingham imported into the United States from a place outside thereof approximately 4,000 pounds of marijuana aboard the vessel NURMI, FL 3749 AN. It was further part of said conspiracy that Stephen Thomas McCarthy, Keith Meiggs and Dennis Evans Ingham docked said vessel behind a residence at 240 Golden Beach Drive, Golden Beach, Florida which had been leased by Stephen Thomas Mc Carthy and then and there possessed said marijuana with an intent to distribute it.

The Grand Jury further charges that the defendants, in order to effect and achieve the goals of the conspiracy did at or about the times and places hereinafter referred to, commit certain overt acts, among which are the following:

OVERT ACTS

1. On or about December 13, 1971 Dennis Evans Ingham purchased the vessel NURMI, FL 3749 AN under the name of "Dennis Kaufman".

2. On or about December 22, 1971 Stephen Thomas Mc Carthy leased the residence located at 240 Golden Golden Beach Drive, Golden Beach, Florida, said lease to commence January 1, 1972 and continue until April 30, 1972.

3. On or about January 19, 1972 Dennis Evans Ingham flew from Miami, Florida to Blouilla, Columbia aboard Avianca Airlines.

4. On or about January 27, 1972 Keith Meiggs, as captain of the vessel NURMI requested in writing permission from the Captain of the Port, Cartagena, Columbia for the vessel NURMI to leave the port of Cartagena, Columbia.

5. On or about February 6, 1972 Stephen Thomas Mc Carthy, Keith Meiggs and Dennis Evans Ingham aboard the vessel NURMI passed through the canal at the north end of South Island in the waters off Golden Beach, Florida.

6. On or about February 6, 1972 Stephen Thomas Mc Carthy, Keith Meiggs and Dennis Evans Ingham docked the vessel NURMI behind the residence located at 240 Golden Beach Drive, Golden Beach, Florida.

7. On or about February 6, 1972 Stephen Thomas Mc Carthy, Keith Meiggs and Dennis Evans Ingham left the vessel NURMI and proceeded into the residence located at 240 Golden Beach Drive, Golden Beach, Florida.

All in violation of Title 21, United States Code, Section 963.

COUNT II

On or about February 6, 1972 at Golden Beach, Dade County in the Southern District of Florida the defendants,

STEPHEN THOMAS MC CARTHY
KEITH MEIGGS and
DENNIS EVANS INGHAM

did knowingly and intentionally import into the United States from a place outside the United States approximately 4,000 pounds of marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 952(a) and Title 18, United States Code, Section 2.

COUNT III.

On or about February 6, 1972 at Golden Beach, Dade County in the Southern District of Florida the defendants

STEPHEN THOMAS MC CARTHY
KEITH MEIGGS, and
DENNIS EVANS INGHAM

did knowingly and intentionally possess with intent to distribute approximately 4,000 pounds of marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

A TRUE BILL

_____
Foreman

ROBERT W. RUST
UNITED STATES ATTORNEY

By: Barbara E. Vicevich
Assitant United States Attorney

App. 6

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF FLORIDA

No. 72-117-Cr-JLK

UNITED STATES OF AMERICA
v.

DENNIS EVANS INGHAM

[Filed May 9, 1972]

JUDGMENT AND COMMITMENT

On this 9 day of May, 1972 came the attorney for the government and the defendant appeared in person and[1] by counsel, Philip Daigneault, Esq.

IT IS ADJUDGED that the defendant upon his plea of[2] Not Guilty, and a Jury Verdict of Guilty has been convicted of the offense of conspiring to import into the United States a quantity of marihuana, a Schedule I controlled substance, importing into the United States a quantity of marihuana, a Schedule I controlled substance, and possessing with intent to distribute a quantity of marihuana, a Schedule I controlled substance, all in violation of Title 21, United States Code, Sections 963, 952(a), 841(a)(1), and Title 18, United States Code, Section 2,

as charged[3] in Counts 1, 2, & 3 of the Indictment, and the court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court,

IT IS ADJUDGED that the defendant is guilty as charged and convicted.

IT IS ADJUDGED that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of[4] FIVE (5) YEARS as to Count 1, and TWO (2) YEARS as to each of Counts 2 and 3, said sentences of confinement to run concurrently with each other, or until otherwise discharged by due process of law, and pursuant to Title 18, United States Code, Chapter 311, Section 4208(a)(2), it being further

Ordered that the defendant shall become eligible for parole at such time as the Board of Parole may determine, it being further

Ordered and Adjudged that the defendant shall serve a special additional parole term of TWO (2) YEARS on each of Counts 1, 2, and 3, said parole terms to run concurrently with each other and pursuant to Title 21, USC, Section 841(b)(1), and to commence upon release from sentence hereinabove imposed.

IT IS ORDERED that the Clerk deliver a certified copy of this judgment and commitment to the United

States Marshal or other qualified officer and that the copy serve as the commitment of the defendant.

/s/ James Lawrence King

United States District Judge.

Clerk.

The Court recommends commitment to:[6]

[1]Insert "by [name of counsel], counsel" or "without counsel; the court advised the defendant of his rights to counsel and asked him whether he desired to have counsel appointed by the court, and the defendant thereupon stated that he waived the right to the assistance of counsel." [2]Insert (1) "guilty and the court being satisfied there is a factual basis for plea," (2) "not guilty, and a verdict of guilty," (3) "not guilty, and a finding of guilty," or (1) "nolo contendere," as the case may be. [3]Insert "in count(s) number " if required. [4]Enter (1) sentence or sentences, specifying counts if any; (2) whether sentences are to run concurrently or consecutively and, if consecutively, when each term is to begin with reference to termination of proceeding term or to any other outstanding unserved sentence; (3) whether defendant is to be further imprisoned until payment of the fine or fine and costs, or until he is otherwise discharged as provided by law. [5]Enter any order with respect to suspension and probation. [6]For use of Court wishing to recommend a particular institution.

App. 9

United States Court of Appeals,
Fifth Circuit.

No. 72-2393
Summary Calendar.*

UNITED STATES of America, Plaintiff-Appellee,
v.

Dennis Evans INGHAM, Defendant-Appellant.

Oct. 24, 1974.

The United States District Court for the Southern District of Florida, at Miami, James Lawrence King, J., found defendant guilty of conspiracy to import marijuana into the United States, importation of marijuana into the United States, and possession of marijuana with intent to distribute, and he appealed. The Court of Appeals, Brown, Chief Judge, held that the warrantless, nonprobable cause search of a vessel newly arrived from a foreign port or place was lawful, irrespective of whether customs agents actually observed the vessel as her stem ploughed over the imaginary boundary between international waters and customs waters of the United States.

Affirmed.

1. Customs Duties—126

Warrantless, nonprobable cause search of a vessel newly arrived from a foreign port or place was lawful,

*Rule 18, 5 Cir.; see Isbell Enterprises, Inc. v. Citizens Casualty Co. of New York et al., 5 Cir., 1970, 431 F.2d 409, Part I.

irrespective of whether customs agents actually observed the vessel as her stem ploughed over the imaginary boundary between international waters and customs waters of the United States. Tariff Act of 1930, § 401(n), 19 U.S.C.A. § 1401(n); Anti-Smuggling Act, § 1, 19 U.S.C.A. § 1701.

2. Customs Duties—126

Conduct of customs agents, whose sightings proved quite convincingly that defendant's vessel had been at a foreign port or place, who observed defendant docking and leaving his vessel after its return from international waters, who, minutes later, approached defendant and identified themselves, and who then discovered in the vessel burlap bags containing 4,000 pounds of marijuana which was seized, was fully justified under the circumstances as a customs search of a newly arrived vessel, whether characterized as a "border search" or not. Tariff Act of 1930, § 401(n), 19 U.S.C.A. § 1401(n); Anti-Smuggling Act, § 1, 19 U.S.C.A. § 1701; Comprehensive Drug Abuse Prevention and Control Act of 1970, §§ 401(a)(1), 1002(a), 1013, 21 U.S.C.A. §§841(a)(1), 952(a), 963; U.S.C.A. Const. Amend. 4.

3. Customs Duties—126

Warrantless search and seizure of a vessel or vehicle which has crossed international boundary is not unreasonable simply because authorized federal agents elected not to search the vessel or vehicle at the point of its crossing international boundary line, voluntarily chose not to follow the vessel or vehicle after the crossing, and had sufficient time, both before and after the crossing, to obtain a warrant. U.S.C.A. Const. Amend. 4.

4. Customs Duties—126

Absence of "actual observation" of a boundary crossing does not preclude a subsequent search from qualifying as a "border search." U.S.C.A.Const. Amend. 4.

5. Customs Duties—126

For the protection of revenues and national security, customs officers are entitled to search a newly arrived vessel to determine whether goods requiring entry are aboard, and the officers need not be searching for anything more noxious than a bottle of imported perfume. Tariff Act of 1930, § 581(a), 19 U.S.C.A. § 1581(a).

Appeal from the United States District Court for the Southern District of Florida.

Before BROWN, Chief Judge and GOLDBERG and MORGAN, Circuit Judges.

JOHN R. BROWN, Chief Judge:

[1] The only question in this appeal by one caught redhanded with two tons of marijuana aboard is whether to justify a warrantless non-probable cause search of a vessel newly arrived from a foreign port or place someone must actually have observed the vessel as her stem ploughed over the imaginary boundary between International waters and Customs waters of the United States. Just how this is to be accomplished is not clear, whether by a sort of prohibition era counter-hovering ship, 19 U.S.C.A. §§ 1701, 1401(n) or an overhead helicopter each suitably stationed at sightable intervals along the thou-

sands of miles of our East, West and Gulf coastlines. But it doesn't matter since we reject any such rigid mechanical and unrealistic requirements. We affirm.

Dennis Evans Ingham was charged, along with two others, in a three count indictment with violations of 21 U.S.C.A. §§ 963, 952(a) and 841(a)(1).[1] The indictment charged, in Count I, that the defendant conspired with others to import into the United States approximately 4,000 pounds of marijuana; in Count II, that the defendant imported into the United States approximately 4,000 pounds of marijuana; and in Count III, that the defendant possessed that marijuana with the intent to distribute it. Prior to the trial, the appellant filed a timely motion to suppress the fruits of the government's search of his vessel, M/V Nurmi, on the ground that the search and seizure violated his Fourth Amendment rights. The trial court denied appellant's motion after postponing the hearing to the trial. The jury found Ingham guilty as charged in all three counts.

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[1] 21 U.S.C.A. §963 provides:

> Any person who attempts or conspires to commit any offense defined in this subchapter is punishable by imprisonment or fine or both which may not exceed the maximum punishment prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

Section 952 provides:

> (a) It shall be unlawful to import into the customs territory of the United States from any place outside thereof (but within the United States), or to import into the United States from any place outside thereof, any controlled substance in schedule I or II of subchapter I of this chapter, or any narcotic drug in schedule III, IV, or V of subchapter I of this chapter, except that—
>
> (1) such amounts of crude opium and coca leaves as the Attorney General finds to be necessary to provide for medical, scientific, or other legitimate purposes, and
>
> (2) such amounts of any controlled substance in schedule I or II or any narcotic drug in schedule III, IV, or V that the

[2] The sole question presented for review is whether the government's search and seizure of 4,000 pounds of marijuana from the appellant's vessel fell within the purview of a "border search" or should have been governed by the more stringent procedures applicable to a "domestic search". We find the conduct of the Customs agents under the circumstances fully justified as a customs search of a newly arrived vessel whether characterized as "border search" or not.

A recital of the events which preceded the arrest may be briefly stated.

On December 13, 1971, Ingham, using the alias of Dennis Kaufman purchased the 42 foot M/V Nurmi for $55,000 cash. A co-defendant, Stephen McCarthy, on De-

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Attorney General finds to be necessary to provide for the medical, scientific, or other legitimate needs of the United States—

(A) during an emergency in which domestic supplies of such substance or drug are found by the Attorney General to be inadequate, or

(B) in any case in which the Attorney General finds that competition among domestic manufacturers of the controlled substance is inadequate and will not be rendered adequate by the registration of additional manufacturers under section 823 of this title,

may be so imported under such regulations as the Attorney General shall prescribe. No crude opium may be so imported for the purpose of manufacturing heroin or smoking opium.

Section 841(a)(1) provides:

(a) Except as authorized by this subchapter, it shall be unlawful for any person knowingly or intentionally—

(1) to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance; or

(2) to create, distribute, or dispense, or possess with intent to distribute or dispense, a counterfeit substance.

cember 22, 1971, entered into a rental agreement for the lease of a house located at 240 Golden Beach Drive, Golden Beach, Florida. The lease was to cover the period January 1, 1972 to April 30, 1972.

Customs agent William Norsworthy testified that he had first received information concerning M/V Nurmi on January 8, 1972, at which time he initiated a search to ascertain where the vessel was berthed. On January 11, 1972 and again on January 12 she was located at the dock behind the residence at 240 Golden Beach Drive.

Several further sightings of M/V Nurmi occurred which, taken together, proved quite convincingly that the vessel had been at a foreign port or place.[2]

On February 6, after returning from International waters, Ingham was observed docking and leaving the vessel by the agents. They then observed co-defendant

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[2]Sightings occurred on:

Jan. 25 and 26: by a private citizen, a government witness, that he saw M/V Nurmi in Cartagena, Columbia and that the Appellant was on board.

Feb. 6, 1972: at 1:00 p.m. by Customs agent Lynch in Bahamian waters near Cat Cay.

at 2:30 p.m. by Customs agent Lynch about 15 miles west of Bimini heading toward the Florida coast.

at 7:25 p.m. by Customs agent Walsh as it entered inland waters from the Atlantic Ocean through Baker's Haulover Cut, then turned north and headed up the intercoastal waterway.

at 7:45 p.m. by Customs agent Burton traveling north on the intercoastal waterway as it passed under the Sunny Isles Boulevard Bridge.

at 8:00 p.m. by Customs agents Lynch and Norsworthy as it left the intercoastal waterway, entered a canal at the north end of South Island, and docked behind the residence at 240 Golden Beach Drive.

McCarthy open the garage doors, at which time they approached him and identified themselves. At this point Ingham and co-defendant Meiggs ran out of the house and into the backyard where they were apprehended by other Customs agents. At approximately 8:05 p.m. McCarthy took the agents through the house and to M/V Nurmi where the agents detected the odor of marijuana and observed burlap bags in the after cabin. The agents subsequently discovered 79 such burlap bags on board containing 4,000 pounds of marijuana which were seized.

[3] We are asked to accept the argument that when authorized federal agents elect not to search a vehicle or vessel at the point of crossing an international boundary line, and, further, when the agents voluntarily elect not to follow the vehicle or vessel after the crossing, and lastly, when the agents, who have not observed the crossing, have sufficient time, both before and after the suspected crossing, to obtain a warrant—if possible—then, the warrantless search and seizure of the vessel or vehicle becomes unreasonable.

[4] As support for this principle appellant cites a number of Ninth Circuit cases[3] which he asserts stand for the proposition that the absence of "actual observation" of a boundary crossing precludes a subsequent search from qualifying as a "border search."

Our reading of these airplane and automobile cases reveals no such rubric. Three of the cases turn on the

[3]The appellant cites United States v. Mollat, 9 Cir., 1971, 448 F.2d 789, (airplane search), United States v. Carrion, 9 Cir., 1972, 457 F.2d 200, (airplane search), United States v Garcia, 9 Cir., 1969, 415 F.2d 1141, (automobile search), and Contreras v. United States, 9 Cir., 1961, 291 F.2d 63, (automobile search).

absence of any indication of a border crossing, and not on the lack of an actual observation of a border crossing. United States v. Mollat, 9 Cir., 1971, 448 F.2d 789; United States v. Carrion, 9 Cir., 1972, 457 F.2d 200, 202; United States v. Garcia, 9 Cir., 1969, 415 F.2d 1141, 1144. Further, appellant's final case, Contreras v. United States, 9 Cir., 1961, 291 F.2d 63, held as illegal the search of an automobile that was stopped 72 miles from the border after it had already been allowed through at the border and had not been the object of pursuit or surveillance after the actual border stop.

We conclude, then, that these Ninth Circuit holdings are in no way inconsistent with the search here. The close surveillance of the M/V Nurmi revealed a border crossing and was followed by a continued sighting of the vessel until the search when she finally docked. In addition, although the events of this case are pre-Almeida-Sanchez, it matters not, since the facts do not qualify it as an Almeida-Sanchez border search. In Almeida-Sanchez, 1973, 413 U.S. 266, 93 S.Ct. 2535, 37 L.Ed.2d 596, the Supreme Court held as illegal the search of an automobile 25 miles north of the border with no indication that the car had even crossed the border. The Court pointed out that

> In the present case, by contrast, there was no such assurance that the individual searched was within the proper scope of official scrutiny—that is, there was no reason whatever to believe that he or his automobile had even crossed the border, much less that he was guilty of the commission of an offense.

413 U.S. at 271-272, 93 S.Ct. at 2539.

Moreover, loath as we are to suggest further distinctions in this dynamic ever-expanding area, this may well be a Reverian "one if by land, two if by sea". For there is by act of God, nature, the Congress, and the activities of man a great difference between the landlocked vehicle and the nautical vessel in relation to our International borders. Congress has long recognized this and the law has to—and does—reckon with these differences often very specifically.[4]

There is no hard and fast rule that there must be an actual visual sighting of an international boundary crossing. In United States v. Hill, 5 Cir., 1970, 430 F.2d 129, a case whose facts are strikingly similar to the facts here, we rejected the like contention that the vessel was never actually seen crossing the international boundary three miles out at sea and thus the seized contraband should have been held inadmissible. Of "border searches" we wrote—

> "The extraordinary deference accorded this unique category of searches is based on a recog-

[4]The statutes dealing specifically with vessels and their entry for revenue and customs purposes are replete. A few are: 19 U.S.C. §282 (foreign-purchased merchandise to be used on the vessel); 19 U.S.C. §1131 (manifest on board to indicate a ship); 19 U.S.C. §1133 (report of arrival of vessel); 19 U.S.C. §1431 (entry of American vessels); 19 U.S.C. §1136 (failure to report entry of vessel); 19 U.S.C. §1460 (failure to file manifest); 19 U.S.C. §1467 (special inspection, examination, and search of vessel); 19 U.S.C. §1485 (consignee declaration of goods on entry); 19 U.S.C. §1581 (boarding of vessels); 19 U.S.C. §1701 (defines customs enforcement area and applies to hovering vessels); 19 U.S.C. §1706 (importation in vessels under 30 tons); 19 U.S.C. §1709 (definition of customs vessel).

> nition of the difficulty involved in effectively policing our national boundaries. The facts of the present case dramatically illustrate the burden we would be placing on the officers charged with this responsibility, were we to accept appellant's position."

United States v. Hill, supra at 131.

[5] The law—indeed criminal law—allows for common sense. And common sense allows persons in their affairs to draw inferences from circumstances. If credited, as was obviously done by the jury's verdict, the events detailed above (note 2, supra) revealed that both vessel and Ingham were in a foreign port and within a few hours time proceeded from international waters into domestic coastal waters and within less than an hour she was alongside the dock where the search took place. She could not have been both near Cat Cay and at the Florida dock on the same day unless she had made a voyage from outside the United States to the Florida dock. Just as did the jury, the Judge on the suppression motion could add up all these factors to conclude that the officers had ample grounds for believing that entry from international waters had just been made. For the protection of the revenues[5] and national security, the officers are entitled

[5]One of the primary purposes of the customs regulations is to raise revenues. Consequently, as custom's search revolves around goods and not persons. See note 1, supra. The customs search statutes are the very foundation for the vast amounts collected yearly from imports. The revenues from customs collections in 1972 alone amounted to $1,191,539,806.

According to an August 16, 1972 news release from the Bureau of Customs, the 15 largest collection districts and areas are as follows. Each is designated by its headquarters court.

to search a newly arrived vessel to determine whether goods requiring entry are aboard. 19 U.S.C.A. § 1581(a).[6] For such a vessel under such a situation they need not

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Total Customs Collections
Fiscal Year 1972

1.	New York, N. Y.	$998,101,046
2.	Los Angeles	368,480,700
3.	Detroit	293,366,934
4.	JFK Airport	287,888,472
5.	Chicago	220,548,208
6.	San Francisco	180,260,131
7.	Philadelphia	174,445,912
8.	Baltimore	135,314,589
9.	Boston	130,702,129
10.	Seattle	129,581,372
11.	New Orleans	112,229,817
12.	Houston	102,860,629
13.	Ogdensburg	92,253,187
14.	Cleveland	91,501,636
15.	Buffalo	84,170,595

[6] 19 U.S.C.A. §1581(a) provides in part:

> Any officer of the customs may at any time go on board of any vessel or vehicle at any place in the United States or within the customs waters . . . and examine the manifest and other documents and papers and examine, inspect, and search the vessel or vehicle and every part thereof and any person, trunk, package, or cargo on board, and to this end may hail and stop such vessel or vehicle, and use all necessary force to compel compliance.

Of course, the exercise of this power must still be reasonable. United States v. McDaniel, 5 Cir., 1972, 463 F.2d 129, 134. Judge Goldberg concluded that "under all of the circumstances involved here, the search of the vehicle was reasonable under the customs and immigration statutes and within the otherwise stricter confines of the Fourth Amendment." Id. at 134.

In United States v. Caraway, 5 Cir., 1973, 474 F.2d 25, the search of a vessel under 19 U.S.C. §1581(a) was held illegal since there was no indication that the vessel had crossed an international boundary or that the contraband in question had ever been on the vessel. Caraway, however, lends no precedential value since the indictment underlying

be searching for anything more noxious than a bottle of Chanel No. 5.

The search was reasonable. There it ends.

Affirmed.

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the appeal from a conviction was later dismissed by the District Court, thus rendering the issues moot. United States v. Caraway, 5 Cir., 1973, 483 F.2d 215, 216.

In addition to the search and seizure question, Caraway also concluded that a plea of nolo contendre, if coupled with an understanding from the Judge, would not destroy a challenge on appeal to evidence obtained from an allegedly unlawful search and seizure. This procedure was later criticized in United States v. Sepe, 5 Cir., 1973, 486 F.2d 1044, 1045, and United States v. Mizell, 5 Cir., 1973, 488 F.2d 97, 99-100.

UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT

OFFICE OF THE CLERK

December 23, 1974

TO ALL COUNSEL OF RECORD

Re: 72-2393 U.S.A. V. INGHAM

Dear Counsel:

This is to advise that an order has this day been entered denying the petition( ) for rehearing, and no member of the panel nor Judge in regular active service on the Court having requested that the Court be polled on rehearing en banc (Rule 35, Federal Rules of Appellate Procedure; Local Fifth Circuit Rule 12) the petition( ) for rehearing en banc has also been denied.

See Rule 41, Federal Rules of Appellate Procedure for issuance and stay of the mandate.

Very truly yours,

EDWARD W. WADSWORTH
CLERK

By /s/ Irme G. Parent
Deputy Clerk

cc: Mr. Jack Ciolino
Messrs. J. David Rosenfield
Harvey Schneider
Ms. Barbara E. Vicevich

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this ____ day of January, 1975, three copies of the Petition for Writ of Certiorari were mailed, postage paid, to the Honorable Robert Rust, U.S. Attorney, 300 Ainsley Building, Miami, Florida and to Ms. Barbara Vicevich, Assistant U.S. Attorney, Suite 300 Ainsley Building, Miami, Florida attorneys for Respondent. I further certify that all parties required to be served have been served.

DAVID B. JAVITS